

DLA PIPER US LLP
Roy K. McDonald (State Bar No. 193691)
roy.mcdonald@dlapiper.com
Stephen A. Chiari (State Bar No. 221410)
stephen.chiari@dlapiper.com
153 Townsend Street, Suite 800
San Francisco, California 94107-1957
Telephone: (415) 836-2547
Facsimile: (415) 659-7447

T. WADE WELCH & ASSOCIATES
Richard R. Olsen (*pro hac vice*)
rolsen@twvllaw.com
Timothy M. Frank (*pro hac vice*)
tfrank@twvllaw.com
2401 Fountainview, Suite 700
Houston, Texas 77057
Telephone: (713) 952-4334
Facsimile: (713) 952-4994

Attorneys for Plaintiffs
ECHOSTAR SATELLITE L.L.C.,
ECHOSTAR TECHNOLOGIES CORPORATION
and NAGRASTAR L.L.C.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

ECHOSTAR SATELLITE L.L.C., a
Colorado Limited Liability Company,
ECHOSTAR TECHNOLOGIES
CORPORATION, a Texas Corporation,
and NAGRASTAR L.L.C., a Colorado
Limited Liability Company,

Plaintiffs,

v.

FREETECH, INC., a California
Corporation, and DOES 1-10,

Defendants.

Case No. CV-07-6124(JW)

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION TO DISMISS OR,
IN THE ALTERNATIVE, STRIKE
DEFENDANT'S COUNTERCLAIMS**

Hearing Date: March 17, 2008
Time: 9:00 a.m.

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

On February 6, 2008, Plaintiffs EchoStar Satellite L.L.C., EchoStar Technologies Corporation, and NagraStar L.L.C. (collectively "EchoStar") moved to dismiss or, alternatively, strike counterclaims one through six of Defendant Freetech, Inc.'s Amended Answer and Counterclaims pursuant to Rule 12(b)(6) and Rule 12(f) of the Federal Rules of Civil Procedure. After full consideration of the reasons set forth in EchoStar's motion, and good cause appearing therefore, **IT IS HEREBY ORDERED THAT:**

EchoStar's Motion to Dismiss or, in the alternative, Strike Defendant's Counterclaims is GRANTED. Counterclaims one through six are hereby dismissed pursuant to Rule 12(b)(6) and/or stricken pursuant to Rule 12(f).

IT IS SO ORDERED.

Date: _____

HONORABLE JAMES WARE
United States District Judge